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*Amendment*  
*Attorney Docket No. S63.2L-10389-US01*

#### **Remarks**

This Amendment is in response to the Office Action dated August 30, 2005. Claims 1-37 are pending in this application. The Office Action rejected claims 34-37 under 35 USC § 112, first paragraph; rejected claims 16-19 and 22 under 35 USC § 102 over Penn et al. (US 6758860; hereinafter "Penn"); rejected claims 16, 17, 20, 22 and 25-17 under 35 USC § 102 over Allen et al. (US 2001/0016770; hereinafter "Allen"); and rejected claims 25, 26 and 28-37 under 35 USC § 102 over Berry et al. (US 6231598; hereinafter "Berry"). The Office Action also objected to claims 21, 23 and 24 as being dependent upon a rejected base claim, and indicated that claims 1-15 are allowed.

By this Amendment, claims 16, 21, 23, 24, 25, 28 and 34 are amended. Support for the amendments may be found at least in Figures 1B and 2A. Applicants reserve the right to prosecute any cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

#### **Allowable Subject Matter**

Applicants acknowledge the Office Action's indication of allowable subject matter in claims 1-15, 21, 23 and 24. Claims 21 and 23 have been rewritten in independent form. Claim 24 has been amended to depend from independent claim 23 and to remove limitations that are already recited in claim 23.

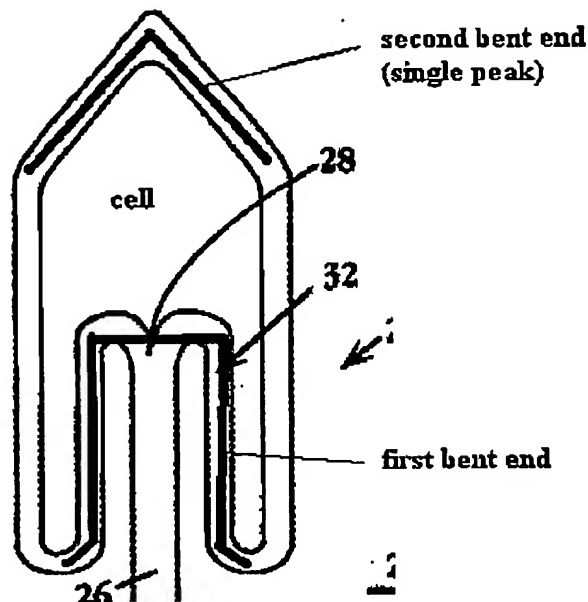
However, for the reasons set forth below, Applicants respectfully assert that all of the claims are patentable over the applied references and that the application is in condition for allowance.

#### **Claim Rejections - 35 USC § 112**

The Office Action rejects claims 34-37 under 35 USC § 112, first paragraph. This rejection is traversed. Applicants have provided a portion of Figure 2A below marked to show the first bent end and the second bent of the cell, the second bent end having a single peak. Withdrawal of the rejection is requested.

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#### **Claim Rejections – 35 USC § 102**

The Office Action rejected, under 35 USC § 102, claims 16-19 and 22 over Penn; claims 16, 17, 20, 22 and 25-27 over Allen; and claims 25, 26 and 28-37 over Berry. The rejections will be discussed with respect to the independent claims.

#### **Independent Claim 16**

Claim 16 was rejected over Penn and Allen. Claim 16 recites, “distal most openings of the stent being at least partially bounded by a first serpentine circumferential band and at least partially bounded by a second serpentine circumferential band, proximal most openings of the stent being at least partially bounded by a first serpentine circumferential band and at least partially bounded by a second serpentine circumferential band, at least one opening being bound by serpentine circumferential bands other than a second serpentine circumferential band.”

The Office Action characterizes Penn as disclosing first serpentine circumferential bands 350 and second serpentine circumferential bands 360. See Office Action page 3 and Penn

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Figure 4. The Office Action also characterizes each radially expandable cylindrical element 48 of Allen as including first serpentine circumferential bands 58 and second serpentine circumferential bands 3. See Office Action page 3 and Attachment A, and Allen Figure 8.

Applicants believe that neither Penn nor Allen disclose or suggest a stent having proximal most and distal most openings being partially bounded by a first serpentine circumferential band and partially bounded by a second serpentine circumferential band, while also having at least one opening that is "bound by serpentine circumferential bands other than a second serpentine circumferential band," as recited in claim 16.

Therefore, Applicants assert that claim 16 is patentable over Penn and Allen. Claims 17-20 and 22 depend from claim 16 and are patentable over Penn and Allen for at least the reasons discussed with respect to claim 16. Accordingly, Applicants request withdrawal of the rejections of claims 16-20 and 22 under 35 USC § 102.

Independent Claim 25

Claim 25 was rejected over Allen and Berry. Claim 25 recites, "a distal most first band of one section adjacent to and connected to a proximal most first band of another section by a longitudinally extending connecting segment, the longitudinally extending connecting segment connected at a first end to a distal portion of the distal most first band and connected at a second end to a proximal portion of the proximal most first band."

Attachment B of the Office Action included a copy of Figure 8 of Allen marked to illustrate limitations of claim 25. Similarly, Attachment C of the Office Action include a marked copy of Figure 1 of Berry.

Applicants believe that neither Allen nor Berry disclose or suggest a stent wherein a longitudinally extending connecting segment connects between a distal portion of a distal most first band of one section and a proximal portion of a proximal most first band of another section, as required by claim 25.

Therefore, Applicants assert that claim 25 is patentable over Allen and Berry. Claims 26 and 27 depend from claim 25 and are patentable over Allen and Berry for at least the reasons discussed with respect to claim 25. Accordingly, Applicants request withdrawal of the rejections of claims 25-27 under 35 USC § 102.

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Independent Claim 28

Claim 28 was rejected over Berry. Claim 28 recites, "first circumferential serpentine bands and second circumferential serpentine bands, the first circumferential serpentine bands having a width in excess of the width of the second circumferential serpentine bands...at least one second serpentine circumferential band immediately adjacent to and connected to another second serpentine circumferential band by a longitudinal connector."

Applicants believe that Berry does not disclose or suggest a stent having first and second bands meeting the claimed width limitations, wherein a second band is immediately adjacent to and connected to another second band by a longitudinal connector.

Therefore, Applicants assert that claim 28 is patentable over Berry. Claims 29-33 depend from claim 28 and are patentable over Berry for at least the reasons discussed with respect to claim 28. Accordingly, Applicants request withdrawal of the rejections of claims 28-33 under 35 USC § 102.

Independent Claim 34

Claim 34 was rejected over Berry. Claim 34 recites a cell comprising a first bent end characterized by a first width and a second bent end characterized by a second width, the first bent end having a peak oriented in a first direction, the second bent end having a single peak, the single peak oriented in the first direction and pointing away from the cell.

Applicants believe that none of the stents disclosed by Berry include a cell having first and second bent ends meeting the claimed shape and width limitations, wherein the second bent end has a single peak that is oriented to point away from the cell.

Therefore, Applicants assert that claim 34 is patentable over Berry. Claims 35-37 depend from claim 34 and are patentable over Berry for at least the reasons discussed with respect to claim 34. Accordingly, Applicants request withdrawal of the rejections of claims 34-37 under 35 USC § 102.

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**Conclusion**

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-37 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: November 21, 2005

By: \_\_\_\_\_

Jeremy G. Laabs  
Registration No.: 53170

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001  
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